



gmu 1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Small & Huang

Serial No.: 09/936,954

Filed: 3/16/1999

Title: Rapid Diagnostic Method for
Distinguishing Allergies and
Infections

Attorney Docket No.: UF-1561A

Group Art Unit: 1645

PTH 6

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JUN 24 2002

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Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

- ☒ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
☐ Statement under 37 CFR 1.97(e), or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
☐ Statement under 37 CFR 1.97(e), and
☐ a \$180.00 fee set forth in 37 CFR 1.17(p).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

☒ Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. Applicant(s) also submit herewith a copy of Form PTO 1449-Information Disclosure Citation, filed in parent application, Serial No: 08/576,604. Under the provisions of 37 C.F.R. 1.98(d), since all references cited therein have

been provided in parent application, Serial No: 08/576,604, copies of cited references are not provided herewith. It is believed that the submission complies with the requirements of 37 C.F.R. 1.56.

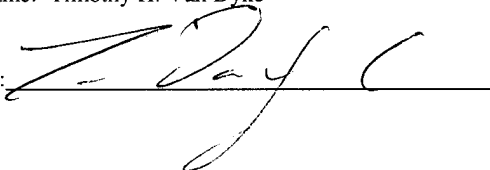
The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

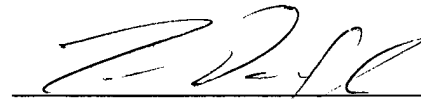
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Date of Deposit: 6-13-02

Typed Name: Timothy H. Van Dyke

Signature: 

Respectfully submitted,



Timothy H. Van Dyke
Attorney/Agent for Applicant(s)
Reg. No. 43218

Date: 6-13-02

Customer No: 29847
Van Dyke & Associates, P.A.
1630 Hillcrest Street
Orlando, FL 32803
Phone: 407-228-0328; Fax: 407-228-0329



Approved for use through 10/31/2002. OMB 0651-0031

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of

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Application Number

09/936,954

Filing Date

3/16/1999

First Named Inventor

Small

Art Unit

1645

Examiner Name

Unknown

Attorney Docket Number

UF1561A

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Examiner/initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 0055359A	09-21-2000	University of Florida		
		FR 2784023A	04-07-2000	Michel Gleizes		
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Signature

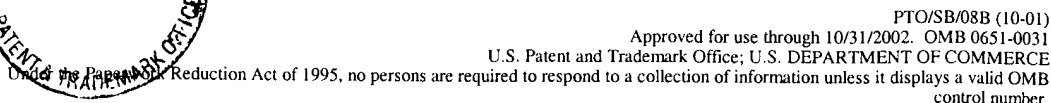
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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must

issued the document, by the two-letter code (WIPO Standard 4.1.5).⁵ For Japanese patent documents, the indication of the year of the registration of the document precedes the serial number of the patent document.⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



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3/16/1999

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Initials*

Cite₁
No. 1

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

 T^2

LANE, D.M. et al., "Nasal Eosinophilia in Allergic and Nonallergic Rhinitis: Usefulness of the Nasal Smear in the Diagnosis of Allergic Rhinitis", Allergy Proceedings, July 4, 1989, Vol. 10 No. 4 pp. 275-280, , Ocean Side Publications. USA.

NACLERIO, R.M. et. al., "Mediator Release After Nasal Airway Challenge with Allergen 1-4", American Review of Respiratory Diseases, October 4, 1983, Vol. 28, No. 4 pp. 597-602, USA.

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Patent Application
Docket No. UF156
Serial No. 08/576,604

Gerard H. Bencen
Gerard H. Bencen, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1208

Applicants : Parker A. Small, Jr., Shih-Wen Huang

Serial No. : 08/576,604

Filed : December 21, 1995

For : Rapid Diagnostic Method for Distinguishing Allergies and Infections

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§1.97 AND 1.98

Sir:

In accordance with 37 CFR §1.56, the references listed on the attached form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statement.

Respectfully submitted,

Gerard H. Bencen
Gerard H. Bencen

Patent Attorney

Registration No. 35,746

Phone No.: 904-375-8100

Address : 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669



GHB/srp
Enclosures

Form PTO-1449
(REV. 7-80)

INFORMATION DISCLOSURE STATEMENT
(Use front sheets if necessary)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.
UF156

SERIAL NO.
08/576,604

Sheet 1 of 7

APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

FILING DATE
December 21, 1995

GROUP
1208

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA	3 4 3 8 7 3 7	4/15/69	Atkinson <i>et al.</i>			
AB	4 3 0 1 1 1 5	11/17/81	Rapkin <i>et al.</i>			
AC	4 6 3 7 9 7 9	1/20/87	Skjold <i>et al.</i>			
AD	4 6 4 5 8 4 2	2/24/87	Corey			
AE	4 6 5 7 8 5 5	4/14/87	Corey <i>et al.</i>			
AF	4 7 0 4 4 6 0	11/3/87	Corey			
AG	4 7 5 8 5 0 8	7/19/88	Schnabel <i>et al.</i>			
AH	3 3 5 9 0 7 2	12/19/67	Rey <i>et al.</i>			
AI	3 4 1 8 0 7 9	12/24/68	Rey <i>et al.</i>			
AJ	3 7 1 2 8 5 3	1/23/73	Rittersdorf <i>et al.</i>			
AK	3 8 9 7 2 1 4	7/29/75	Lange <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Service, R.F. (1995) "Antibiotics that Resist Resistance" Science 270:724-727.
AS	Wang, D. <i>et al.</i> (1995) "Correlations between Complaints, Inflammatory Cells and Mediator Concentrations in Nasal Secretions after Nasal Allergen Challenge and during Natural Allergen Exposure" Int. Arch. Allergy Immunol. 106:278-285.
AT	Sigurs, N. <i>et al.</i> (1994) "Eosinophil cationic protein in nasal secretion and in serum and myeloperoxidase in serum in respiratory syncytial virus bronchiolitis: relation to asthma and atopy" Acta. Paediatr. 83:1151-1155.

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APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

FILING DATE
December 21, 1995GROUP
1208

U.S. PATENT DOCUMENTS

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	AA	3	8	0	2	8	4	2	4/9/74	Lange <i>et al.</i>			
	AB	4	0	1	3	4	1	6	3/22/77	Rittersdorf <i>et al.</i>			
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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Okuda, M. <i>et al.</i> (1994) "A Novel Method of Counting Eosinophils in Nasal Secretion of Allergic Rhinitis by Hemocytometric Method" <i>Int. Arch. Allergy Immunol.</i> 104:6-8.
	AS	Grzegorezyk, K.M.L. <i>et al.</i> (1993) "Neutrophil chemotactic activity (NCA) in nasal secretions from atopic and nonatopic subjects" <i>Allergy</i> 48:409-414.
	AT	Igarashi, Y. <i>et al.</i> (1993) "Immunodeficiency and other clinical immunology: Analysis of nasal secretions during experimental rhinovirus upper respiratory infections" <i>J. Allergy Clin. Immunol.</i> 92:722-731.

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Form PTO-1449
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UF156SERIAL NO.
08/576,604

INFORMATION DISCLOSURE STATEMENT

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APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang

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U.S. PATENT DOCUMENTS

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Sperber, K. <i>et al.</i> (1993) "In vivo detection of a novel macrophage-derived protein involved in the regulation of nasal mucus-like glycoprotein secretion" J. Allergy Clin. Immunol. 92:585-588.
	AS	Knani, J. <i>et al.</i> (1992) "Indirect evidence of nasal inflammation assessed by titration of inflammatory mediators and enumeration of cells in nasal secretions of patients with chronic rhinitis" J. Allergy Clin. Immunol. 90:880-889.
	AT	Klementsson, H. <i>et al.</i> (1991) "Eosinophils, secretory responsiveness and glucocorticoid-induced effects on the nasal mucosa during a weak pollen season" Clinical and Experimental Allergy 21:705-710.

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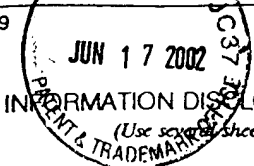
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Form PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. UF156	SERIAL NO. 08/576,604
INFORMATION DISCLOSURE STATEMENT (Use separate sheets if necessary)			APPLICANT(S): Parker A. Small, Jr., Shih-Wen Huang	
			FILING DATE December 21, 1995	GROUP 1208

U.S. PATENT DOCUMENTS

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Raphael, G.D. <i>et al.</i> (1991) "The pathophysiology of rhinitis" J. Allergy Clin. Immunol. 88:33-42.
	AS	Cohen, R.A., E.P. Brestel (1988) "Nasal secretory response to allergen provocation" Clinical Allergy 18:435-443.
	AT	Liu, C.-M., M. Okuda (1988) "Injurious effect of eosinophil extract on the human nasal mucosa" Rhinology 26:121-132.

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Andersson, M. <i>et al.</i> (1987) "Allergen-induced nasal hyperreactivity appears unrelated to the size of the nasal and dermal immediate allergic reaction" <i>Allergy</i> 42:631-637.
AS	Settipane, G.A., D.E. Klein (1985) "Non Allergic Rhinitis: Demography of Eosinophils in Nasal Smear, Blood Total Eosinophil Counts and IgE Levels" <i>NER Allergy Proc.</i> 6(4):363-366.
AT	Brofeldt, S. <i>et al.</i> (1986) "Biochemical Analysis of Nasal Secretions Induced by Methacholine, Histamine, and Allergen Provocations" <i>Am. Rev. Respir. Dis.</i> 133:1136-1142.

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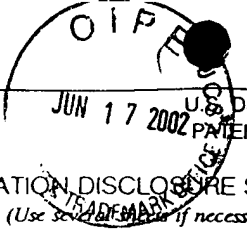
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	AR	Eggleston, P.A. <i>et al.</i> (1984) "Mediators of Immediate Hypersensitivity in Nasal Secretions during Natural Colds and Rhinovirus Infection" <i>Acta. Otolaryngol</i> (Stockh) suppl. 413:25-35.
	AS	Baumgarten, C.R. <i>et al.</i> (1986) "Plasma Kallikrein during Experimentally Induced Allergic Rhinitis: Role in Kinin Formation and Contribution to TAME-esterase Activity in Nasal Secretions" <i>The Journal of Immunology</i> 137(3):977-982.
	AT	Andersson, M. <i>et al.</i> (1995) "Mechanisms of nasal hyper-reactivity" <i>Eur. Arch. Otorhinolaryngol</i> 252 (Suppl. 1):S22-S26.

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Florman, A.L. et al. (1987) "Rapid Noninvasive Techniques for Determining Etiology of Bronchitis and Pneumonia in Infants and Children" Clinics in Chest Medicine 8(4):669-679.
	AS	Katz, R.M. et al. (1995) "A Comparison of Imaging Techniques in Patients with Chronic Sinusitis (X-ray, MRI, A-Mode Ultrasound)" Allergy Proc. 16(3):123-127.
	AT	Demoly, P. et al. (1994) "Assessment of inflammation in noninfectious chronic maxillary sinusitis" J. Allergy Clin. Immunol. 94:95-108.

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